

NO DOG DAYS EXTRA SESSION.

WONT BE CALLED IN JULY OR AUGUST, HIGGINS SAYS.

Not Decided What He Will Recommend for Action Besides Hooker Case—Gas Legislation Unlikely—Governor Returns From Vacation—Tackles Bill Plie.

ALBANY, May 16.—Gov. Higgins said to-night that no definite conclusion had as yet been reached regarding the time when the extra session of the Legislature to consider the charges against Justice Warren B. Hooker will be called. It was certain, however, that if it were not called in June it would not be called until after August, as the members of the Legislature would not want to meet in the vacation months of the year.

The Governor has not decided whether he will recommend any topics for consideration other than the Hooker report, and the indications are that the session will be devoted largely to the Hooker charges.

Requests have been made to the Governor to have various questions considered at the extra session, including a bill to repeal the Odell tax upon the surplus funds of savings banks. The Governor remarked that enough subjects had been suggested for consideration to keep the Legislature in session for weeks. If the Governor starts in recommending questions for consideration at the extra session, he intimated, it would be a nice question from a public and political standpoint where to draw the line.

The Hooker matter will be called to the attention of the Legislature in a special message and other subjects, if any are decided upon, in separate special messages from the Governor. It is unlikely that gas legislation will be recommended, and unless it is the question cannot be considered at the extra session.

The Governor believes that it is possible for the extra session to conclude its work within a week. He said, however, that the Legislature has the power to regulate its own procedure, and that if Justice Hooker wanted time to consider the charges other questions might be considered in the interim.

The Governor has not decided whether he will give a hearing on the mortgage tax and other important bills which are pending before him. He announced, however, that he will give a hearing to the Board of Aldermen of New York city, who are opposed to the Elsborg bills transferring from that body to the Board of Estimate and Apportionment the power to grant public franchises.

Gov. Higgins returned to Albany early this morning from a ten days vacation spent at Cambridge Springs, Pa., and at his home in Olean. He said his outing had done him a world of good, and that he felt robust in health and happy in spirits. The Governor said he would remain in Albany until he had disposed of the thirty-day bills left for his consideration, which number 53, of which over 125 especially affect New York city.

The Governor will grant no formal hearings upon pending bills unless he particularly desires them for his own information. Typewritten copies of bills and briefs relating thereto will receive careful consideration. These should be submitted at once.

Gov. Higgins's long experience in the Legislature is going to enable him to dispose of the thirty-day bills with discretion and despatch. To-day he signed seventy bills, and he is going to wade right through the hundreds of local bills in his hands. Among the bills signed by the Governor to-day were:

Assemblyman J. T. Smith's, standardizing the quality of railroad and municipal bonds in which the funds of savings and trust estates may be involved.

Senator Stevens, providing that the State Superintendent of Banks shall examine every bank, trust company and individual banker at least twice a year and every savings bank at least once in two years.

Senator Stevens, making it the duty of the directors of a State bank or trust company to cause an examination of the books and financial affairs of the institution to be made in April and October of each year by a committee of three directors, particularly into the loans and discounts, with a special view of ascertaining the value and security thereof and of the collateral securities given in connection therewith, a report on such examination to be filed with the State Superintendent of Banks and the State Banking Department.

Senator Davis, providing that an officer of a State bank, a savings bank or a trust company shall submit to the board of directors or trustees of the institution any communication received from the State Superintendent of Banks regarding an investigation of the institution by the Banking Department or concerning the management of the institution.

Assemblyman Schenck, extending the powers of trust companies to act as trustees of an estate the annual income of which is less than \$100.

Assemblyman Dodd's, amending the stock corporation law by providing that the annual report of a corporation to the Secretary of State shall include the names and addresses of all the directors and officers of the corporation, and, in the case of a foreign corporation, the name also of the person designated in the manner prescribed by the code of civil procedure as a person upon whom process against the corporation may be served within this State.

Senator Carpenter's, authorizing the town of Greenburgh, Westchester county, to change the boundaries of any election district in the town.

Assemblyman Ahear's, enabling the stock corporation law by providing that the annual report of a corporation to the Secretary of State shall include the names and addresses of all the directors and officers of the corporation, and, in the case of a foreign corporation, the name also of the person designated in the manner prescribed by the code of civil procedure as a person upon whom process against the corporation may be served within this State.

Senator Martin's, permitting employees of the Federal Government carrying on operations under the United States Coast and Geodetic Survey to enter upon lands in this State in the carrying on of the work.

Assemblyman Miller's, providing that no railroad shall be constructed upon any unincorporated public highway in any town in Nassau county unless a majority of the electors of the town vote in favor of it.

Assemblyman Mead's, permitting the State to accept bonds issued by other States to banks and individuals in this State. An individual cannot sue a State. Many banks and individuals in this State hold bonds issued and defaulted upon by the State of New York, and under this bill the State of New York may sue the State of Colorado for the value of the bonds and interest.

TRYING MERCHANT FOR THEFT.

Levin Said to Have Stolen a Western Store With Goods Borrowed Here.

The trial of Louis Levin, formerly treasurer of the Order of Brith Abrahams, who disappeared from this city two years ago, after he had failed as an emporium merchant in Bleeker street, was begun yesterday before Judge Foster in General Sessions. Levin is charged with grand larceny. The prosecution will try to show that on false statements Levin obtained on credit goods worth \$25,000 and shipped them to Indianapolis, was then petitioned into bankruptcy here and started the Great Western Undergarment Company in Indianapolis with the goods he is accused of stealing.

BOWEN REPLIES TO LOOMIS.

Statement Regarding Publication of Venues.

WASHINGTON, May 16.—Hearst, W. Bowen, late Minister to Venezuela, to-day filed with Secretary Taft his reply to Mr. Taft's request that Mr. Bowen make a full statement of his action in reporting to the State Department that charges reflecting upon the integrity of Assistant Secretary of State Francis B. Loomis had been made in Caracas and also that Mr. Bowen responded to the counter charge of Mr. Loomis that Mr. Bowen had repudiated the newspaper despatches dealing with the charges against Mr. Loomis.

In his answer Mr. Bowen took the ground that he was not the sponsor for the charges against Mr. Loomis and that he had reported them to the State Department as a matter of official duty because they were being openly talked of in Caracas and he knew that foreign diplomatic representatives had reported them officially to their own Governments.

While this much is known as to the contents of Mr. Bowen's communication, what he had to say in response to Mr. Loomis's allegation that Mr. Bowen had been the instigator of the stories concerning Mr. Loomis which had appeared in American newspapers has not been disclosed. It was recalled to-day, however, that a hint of the supposed scandal had been printed in a Paris newspaper on April 1, twenty-six days before the appearance of the stories about Mr. Loomis in American newspapers. The substance of what was printed in Paris was telegraphed to this city and was used in newspapers here. How far this circumstance may be considered by the President and Secretary Taft in determining whether Mr. Bowen had any part in the publication of the reports has not appeared.

In presenting his answer Mr. Bowen said that certain papers which had a bearing upon the charges against Mr. Loomis were on file at the State Department, and he requested that these be procured and made public. The papers were procured and found at the State Department and Secretary Taft turned them over to Mr. Bowen for such comment as he desired to make. Nothing has yet appeared to indicate that the Administration will make further inquiry into the allegations against Mr. Loomis, or that it has disposed of the pending case involving that officer and Mr. Bowen.

Mr. Bowen has not, and officially will not, attempt to substantiate the charges of which he is accused. He said, however, that if the Administration believes that the matter should be thoroughly ventilated it will be obliged to procure evidence from other sources. He said that he had seen a report in the New York Herald Tribune, a Spanish subject, who was the Venezuelan agent for the New York and Bermudez Asphalt Company, had alleged that Mr. Bowen had said to him that he had seen evidence against Mr. Loomis. Mr. Bowen, according to report, was sent to the President by Mr. Bowen.

Another man who talked with President Roosevelt to-day in regard to the case was Dr. Jose de Jesus Paul, the special diplomatic envoy from Venezuela. He said that he had seen the President and that Mr. Bowen was persona non grata to him.

It is said that he to-day told Mr. Roosevelt some things in defense of Mr. Loomis which may prove very embarrassing for Dr. Paul when he gets to the case in which he allowed himself to be an enemy of Mr. Loomis.

MUST QUARANTINE SMALLPOX.

Boards of Health Officials Decide That Vaccination Alone Is Not Sufficient.

WASHINGTON, May 16.—After a lively controversy continuing throughout the day, the National Conference of State and Provincial Boards of Health of North America, which began its sessions here to-day, decided that vaccination and quarantine were the only preventives of smallpox, rejecting the theory of Dr. H. M. Bracken of St. Paul that the quarantine method is "unscientific, impracticable, expensive and an absolute failure."

The session of the medical men was proceeding in an orderly manner this morning when Dr. Bracken sprung a sensation by denouncing the quarantine and urging that reliance for the prevention and control of the dread disease be placed upon vaccination alone. Dr. Bracken's proposal was presented in the form of a majority report of the committee appointed to consider the question. A sub-report, introduced by Dr. C. O. Probst of Ohio, favoring a modification of present quarantine laws and general instructions to the public concerning vaccination, was adopted as expressing the sense of the conference on the subject.

SPENDER & CO. TO HAVE A SAY

In Prospective Taft Will Issue Concerning New Philippine Railroads.

WASHINGTON, May 16.—The date for the opening of bids for the Philippine railroad project has been set for Sept. 1. It was planned to have the whole matter settled much sooner, but there have been many delays in preparing the prospectus. Secretary Taft is about to issue, and it is not regarded as possible to close the negotiations before Sept. 1.

The prospectus will probably be issued within a week. A representative of Spender & Co. of New York will meet Secretary Taft on Thursday and will discuss several changes that the New York firm desires to have made in the specifications in the prospectus as it stands now.

Spender & Co. practically own the existing Philippine road, the Manila and Daguupan line, running 120 miles through Luzon. The Manila and Daguupan is a narrow gauge line, and if the Philippine Commission decides that the proposed line be broad gauge, as is contemplated, the owners of the corporation may be served within this State. Senator Carpenter's, authorizing the town of Greenburgh, Westchester county, to change the boundaries of any election district in the town.

Assemblyman Ahear's, enabling the stock corporation law by providing that the annual report of a corporation to the Secretary of State shall include the names and addresses of all the directors and officers of the corporation, and, in the case of a foreign corporation, the name also of the person designated in the manner prescribed by the code of civil procedure as a person upon whom process against the corporation may be served within this State.

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REGULATING FIRE TRAVEL.

ONE OF THE TRAFFIC SQUAD TAKES A PERPENDICULAR BEAT.

Leaves His Horse After Ringing Alarm From the Scaffold and Fights His Way Through an Italian and Hungarian Panio Up Factory Fire Escape.

Mounted Policeman James D. Cotter of the traffic squad was on post at Center and Canal streets yesterday afternoon when he heard an explosion of fire from Mulberry street. He wheeled his horse, saw smoke coming from the basement of the Derby chair factory at Canal and Mulberry streets and started for it on the gallop. At Baxter street he rang an alarm from the saddle.

Smoke was coming up from the basement when he reached the factory and a crowd of Italian workmen were struggling and stepping on fingers all down the escape. He threw his reins to a boy and scrambled along the escape to the second floor, where he broke into a small panic. The window was choked with Italians and Hungarians who had got wedged tight. Cotter broke the jam by main force, beat the crowd back with a piece of board and passed the Italians down one by one. He scrambled to the third floor, keeping on the under side of the ladder to avoid the rush, and straightened out more trouble there. By the time he reached the fourth landing Foot Policeman Martin had joined him.

There, as Cotter says, they "bumped into hell." Fifty Italian chair caners were fighting for an exit on the platform of the escape, completely cutting off passage from the fifth and sixth floors. The cops crawled over the rail and smashed right and left with their flats until they cleared the opening and could pass the workmen. When one at a time. Then Cotter got through a window to the fourth floor, which was filling with smoke by that time. Immediately he was buried in a rush driven by Rudolph Miller of 3900 Eighth avenue. John's mother had sent him to the corner store for a loaf of bread, cautioning him not to lose the nickel which she placed in his hand as he started on his first important errand.

Half way across the street John dropped the money and he was too intent upon his recovery to notice the approach of the cars. A policeman picked up the little fellow and was starting to call an ambulance when the frantic mother came rushing from the house. She was with difficulty quieted by the policeman who insisted that the boy be sent to the hospital.

The ambulance surgeon said that both the child's knees were broken and that he was injured internally and would probably die. Mrs. Carroll refused to make a complaint against the driver and he was allowed to go after his name and address had been taken.

Movements of Naval Vessels.

WASHINGTON, May 16.—The cruiser Dixie has arrived at Fajardo, the dispatch boat Dolphin at Hampton Roads, the battleships Maine, Kearsarge, Missouri and Kentucky at the Southern drill grounds, the destroyer Stewart at Key West, the cruiser Colorado at Provincetown and the gunboat Bennington at San Francisco.

The collier Hannibal has sailed from Pensacola for Guantanamo, the tug Rocket from Washington for Indian Head, and the hospital ship Solace and the transport Lawton from San Francisco for Honolulu, en route to Cavite.

Army and Navy Orders.

WASHINGTON, May 16.—These army orders were issued to-day:

First Lieut. Martin B. Wilbott, Artillery Corps, to Jackson Barracks.

Lieut. Col. William W. Witherspoon, Fourteenth Infantry, transferred to St. Albans, Vt.

Capt. Clarence R. Day, from duty at Bliss Military Academy to Lexington.

Capt. Winfield S. Overton, Artillery Corps, to Washington Barracks, and report at general hospital for treatment.

These navy orders were issued:

Lieutenant-Commander J. A. Hogeboom, from the Minneapolis to home, and wait orders.

Lieutenant-Commander J. A. Hogeboom, from the Bennington to the Lawton as executive officer.

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BROADWAY CHURCH SITE SOLD.

PARK & TILFORD TO BUILD ON TABERNACLE SITE.

Buy the 34th Street Corner and Two Plots on 33th Street for \$2,500,000—Upper Fifth Avenue Store Sold—May Close Another—Jump in Value of the Land.

The biggest real estate deal put through in this town in a long time will probably be closed to-day. The deal involves the old Broadway Tabernacle, at the north-east corner of Broadway and Thirty-fourth street, which will be torn down to make way for a new Park & Tilford store. The church property, together with the abutting dwellings at 68 and 70 West Thirty-fifth street, has been sold to Park & Tilford by the Roston Realty Company for \$2,500,000.

Park & Tilford recently sold their store in Fifth avenue, opposite Central Park, to Boehm & Coon for \$325,000, retaining, however, a lease of it for ten years. Their store at the southwest corner of Columbus avenue and Seventy-second street is also understood to have been disposed of for about \$250,000, subject to a long term lease.

The Tabernacle corner is regarded the most valuable unimproved site in the new midtown shopping district. The Roston Realty Company, which is controlled by Benjamin Altman, bought it, along with the abutting dwellings, from Edward F. Seear last year for about \$2,000,000.

Mr. Seear secured the church from the Tabernacle Society in 1902 for \$1,300,000, and subsequently purchased the private houses from James C. Parrish for \$140,000. In three years, consequently, the site now obtained by Park & Tilford has increased in value \$1,060,000. The Tabernacle plot, which brought \$1,300,000 three years ago, cost \$75,500 in 1897.

The block in Thirty-fourth street, between Broadway and Fifth avenue, has been the seat of an extraordinary realty movement since it was announced, last fall, that Benjamin Altman was to build a store covering the entire block between Fifth and Madison avenues and Thirty-fourth and Thirty-fifth streets. The principal purchase in Thirty-fourth street was made by John Clafin, head of the H. B. Clafin Company, who is erecting a big store opposite the Waldorf-Astoria.

His site includes that of the old Henry Clevs residence, which Mr. Clevs paid \$250,000 for in 1857 and sold this spring for \$750,000.

\$80,632 VANISHED.

Anyways, \$80,632 Did—Italian Has Trusting Countryman Arrested.

Tony Fortina, 34 years old, of 33 Carmine street, was arraigned before Magistrate Cornell in the Jefferson Market police court yesterday afternoon on complaint of one Angelo Pettilo of 63 Mott street, who wanted to know how Fortina had been able to make \$80,632 vanish into thin air.

Pettilo is a longshoreman. According to his story, he was walking on the Bowery on June 11, last, with \$80,632 all the savings of his life, in the inside pocket of his coat when at Hester street, he met Fortina and a companion. The two men appeared much excited, and Pettilo asked them what was the matter. Fortina replied that he had \$80,000 about him and that he was afraid somebody would steal it.

"Where did you get so much money?" Pettilo demanded.

"Never mind," replied Fortina's friend; "we are acquainted with Signor Tommasino Lawton."

They asked Pettilo if he wouldn't put their money with his own roll, and he readily agreed. The whole was done up in one package and handed to him. He tried it about with him for several days. Then he decided to open it. It contained nothing but a wad of paper and half a dozen fake greenbacks.

Fortina was arrested yesterday morning. He was held by Magistrate Cornell in \$1,000 bail for trial.

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PENNSYLVANIA RAILROAD TOURS

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LOST SUIT CASE HELD \$12,000.

Woman Thinks a Fellow Passenger Stole Her Satchel Containing Securities.

MINNEAPOLIS, Minn., May 16.—Mrs. K. Harris of this city reported to the police to-day that she had lost a suit case containing securities valued at \$12,000. While coming from St. Paul in an Interurban train last year for about \$2,000,000. The case contained deeds worth \$10,000, notes valued at \$1,050, a gold watch and chain and several dress goods patterns. Mrs. Harris believes it was taken by one of the passengers.

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Short stories abound, and a fully illustrated article on "Dramatics at Vassar" will interest the college girl and her sisters. Even more articles of the helpful sort on home topics than usual.

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Leah Dymov EDITOR

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